

DEC 14 2005

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

IRA W. MADISON,
Plaintiff,

v.

**SGT. KILBOURNE, et al.,
Defendant(s).**

Civil Action No. 7:04-cv-00639

ORDER

By: Hon. James C. Turk
Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Defendants' motions to dismiss, based on plaintiff's failure to exhaust administrative remedies as required under 42 U.S.C. § 1997e(a), are hereby **DENIED**;
2. Defendant Moore's motion for summary judgment is hereby **GRANTED**, and she is no longer a party to this lawsuit; and
3. The remaining defendants are hereby **DIRECTED** to submit, within thirty (30) days from the entry of this order, any motion for summary judgment, supported by affidavits, addressing the merits of plaintiff's claims.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to plaintiff and to counsel of record for the defendants.

ENTER: This 14th day of December, 2005.


Senior United States District Judge